

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

IN RE:

William Kennedy

Debtor,

Case No.: 14-52843

Judge Walter Shapero

Chapter 13

Potestivo & Associates, P.C.

By: Kenneth A. VanNorwick (P61707)

Attorney for Ocwen Loan Servicing, LLC

811 South Blvd. Suite 100

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William R. Orlow

24100 Woodward Ave.

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OBJECTION TO CONFIRMATION OF DEBTORS' AMENDED CHAPTER 13 PLAN

NOW COMES Ocwen Loan Servicing, LLC as servicer for The Bank of New York Mellon, f/k/a The Bank of New York, as Indenture Trustee for the registered holders of ABFS Mortgage Loan Trust 2002-3, Mortgage Backed Pass-Through Certificates, Series 2002-3 (herein "Creditor"), by and through its attorney, Potestivo & Associates, P.C., and for their Objection to the Confirmation of the Chapter 13 Bankruptcy Plan filed for Debtor, William Kennedy (herein "Debtor"), by and through his attorney, William R. Orlow, states as follows:

1. Debtor filed a Chapter 13 Bankruptcy Petition on August 7, 2014.
2. Debtor also filed his Chapter 13 Bankruptcy Plan on September 5, 2014.
3. This Secured Creditor objects to the Debtor's proposed treatment of claims. The Debtor is proposing to cram down this Secured Creditor's lien under Class 5. This Secured Creditor, upon knowledge and belief, states the value of the property is far in excess of the stated value in Debtor's Chapter 13 Plan.

4. Creditor is entitled to have access to the property to conduct a full and complete appraisal.

WHEREFORE, Creditor respectfully requests that this Court to allow the Creditor access to the property to conduct a full and complete appraisal. In the alternative, Creditor respectfully requests that this Court deny confirmation of Debtor's Amended Bankruptcy Plan, and in addition, Creditor hereby requests and moves this court to enter an order dismissing this Bankruptcy case as the Debtor has not met the obligations set forth and has failed to propose a confirmable Amended Chapter 13 Plan.

Dated: October 7, 2014

/s/ **Kenneth A. VanNorwick**
Potestivo & Associates, P.C.
By: Kenneth A. VanNorwick (P61707)
Attorney for Ocwen Loan Servicing, LLC
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PROOF OF SERVICE

I, Brandi West, state that on the 7th day of October 2014, I served a copy of the Objection to Confirmation of the Debtor's Chapter 13 Plan and Proof of Service of same upon:

William R. Orlow
24100 Woodward Ave.
Pleasant Ridge, MI 48069

Tammy L. Terry
Buhl Building
535 Griswold
Suite 2100
Detroit, MI 48226

Via CM-ECF electronic filing to the Debtor's Attorney and the Trustee.

/s/ Brandi West
Brandi West
Employee of Potestivo & Associates, P.C.
811 South Boulevard, Suite 100
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bwest@potestivolaw.com